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Preparatory Committee
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Item 5 of the provisional agenda

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Note by the Secretariat

Addendum

Contribution by International Alert

1. The attention of the Preparatory Committee is drawn to the attached document prepared by International Alert of London, United Kingdom. The covering letter dated 5 April 1993 from Mr. Kumar Rupesinghe, Secretary-General of International Alert, to Mr. Ibrahima Fall, Secretary-General of the World Conference, stated the following:

> " ... As you may well know, as an organisation International Alert's main objective is to help to draw together the wealth of knowledge and experience available within the international non-governmental community to facilitate the peaceful resolution of internal conflicts, which have been, and continue to be a primary cause of gross human rights abuses throughout the world.
>
> " International Alert's position paper for the Conference expresses some of our concerns in the areas of early warning and conflict prevention, 'bridge-building' between human rights law and humanitarian law, the need for legal instruments and functional mechanisms to address the issue of claims for self-determination, and the need for strengthening the effectiveness of the non-governmental community's ability to engage in 'preventive peace-building' to complement United Nations efforts in related areas.

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"It is my sincere hope that you will find this document of interest in relation to your work and that of the Centre for Human Rights and that it will be included among those published for the World Conference and available for delegates."

2. International Alert included a number of recommendations in its document including one calling for the establishment of a Commission on Self-Determination equivalent to the Commission on Human Rights.

International Alert
World Conference on Human Rights
June 14-25, 1993
Vienna

The post-Cold War world order is one in which internal conflict far exceeds inter-state war as the leading violent cause of human suffering. Already-unprecedented world-wide flows of refugees and displaced persons are rapidly increasing. Dozens of slumbering internal disputes rooted in ethnicity, identity, religion, conflicts over governance, drives for democratisation, relative economic deprivation, competition for territory, or diminishing resources are being reawakened.

Despite the enormous progress made in recent decades in human rights standard setting, implementation and monitoring at the international, regional and local levels, gross human rights abuses and breaches of humanitarian law continue to plague our world and are vastly multiplied during violent internal conflicts.

Gross violations of human rights and humanitarian standards are endemic in such conflicts, in which mass killings of civilians (predominantly women, children and the elderly), are common currency, along with disrespect by all sides of the international laws of war, economic and social devastation, the creation of millions of refugees and displaced persons and the rape of women and children. However, there is a growing awareness that internal violence – with its horrendous toll on people and the fabric of economic and social life, and its propensity to threaten international peace and security – must be brought within the purview of effective global action.

International Alert, a non-governmental organisation with Consultative Status Category II with ECOSOC, is dedicated to the prevention or resolution of internal conflict which has or can lead to gross violations of individual and collective rights and genocide. International Alert also works towards the strengthening of human rights law and humanitarian standards, as well as improving the capability of the international community to enforce such standards.

Areas of particular concern to International Alert are:

- The underdevelopment and lack of co-ordination of early warning and conflict prevention capabilities within the UN;

- The human costs of violent conflicts, in which internationally recognised norms of human rights and humanitarian law are wilfully ignored or suspended, resulting in gross violations of fundamental human rights, including the right to life, as well as the urgent need for a comprehensive approach encompassing human rights law, humanitarian law and refugee law, whereby effective monitoring and enforcement can be developed to meet crises;

- The lack of effective international legal instruments and operative mechanisms to peacefully address the issue of claims to self-determination of peoples, increasingly a cause of internal violence and potential threats to international peace and security;

- The need for concerted action on the part of the non-governmental community to develop an effective global strategy for "preventive peacebuilding", consonant with the aspirations and needs of "we the peoples" of the UN Charter, and complementary to UN efforts to strengthen its capacities for preventive diplomacy, peacemaking and peacekeeping.

I. Early Warning and Conflict Prevention

A. Recommendations related to governments and the United Nations

There are more than 30 major violent conflicts in the world today and conditions exist for a dramatic increase in the number of such conflicts and of their toll on human life, in violations of individual and collective rights and the displacement of people. The vast majority of these existing and potential conflicts are internal in nature and international human rights norms and mechanisms are often disregarded.

At the same time, it is evident that early warning of such potential conflicts and the effective and creative mobilisation of governmental and non-governmental resources to mitigate or resolve them with justice could help avert widespread human tragedy. However, current resources devoted to early warning and prevention within the intergovernmental and non-governmental sectors are minute, in comparison with those allocated to reactive measures such as peacekeeping and peacemaking.

Many experts are persuaded that early warning and prevention of internal conflicts would be a humane and cost effective means of avoiding the dire human and financial consequences of internal conflict.

Another area which calls for development is the use of international legal institutions, such as the International Court of Justice in the peaceful mediation, conciliation, arbitration or adjudication of potentially violent conflicts.

It is recommended that:

1. All member states of the UN accept the mandatory jurisdiction of the International Court of Justice;

2. The Secretary General be authorised by the UN to request advisory opinions from the International Court of Justice;

3. The UN promote the establishment of an International Criminal Court to try individuals accused of the commission of international crimes, such as, but not limited to, genocide, war crimes and breaches of the laws and customs of war, crimes against humanity and certain acts of terrorism.

B. Early Warning

Duplication of early warning work being done by separate UN agencies and the lack of co-ordination of efforts in the humanitarian, human rights, development and conflict prevention fields are severe drawbacks in the UN's current operational approach to conflict prevention.

Considering that NGOs are often best placed to alert the international community to potential conflicts, operational mechanisms to enable NGOs and the UN to exchange early warning information would vastly improve the international community's ability to act rapidly to avert potentially violent conflicts.

One particular area of common interest is in fact-finding in areas of incipient conflict. Closer co-operation between relevant NGOs and the UN would greatly enhance the international community's conflict prevention capacities.

It is recommended that the United Nations should:

1. Integrate all its early warning activities;

2. Establish effective channels for the timely communication of information on extensive human rights and humanitarian abuses from agencies and departments of the UN to those responsible for political affairs, security and conflict prevention;

3. Develop early warning consultative and operational mechanisms in concert with relevant NGOs, including *fact-finding mechanisms*, as well as actively support the development of NGO early warning initiatives, particularly the establishment of an NGO Early Warning Service.

II. Abuses of Humanitarian Law

In situations of internal conflict there are currently no effective means of enforcing internationally accepted humanitarian principles and practices. States of emergency continue to provide a "legal" cloak for widespread human rights abuses, including torture, disappearances and genocide. Even in instances where extraordinary

legal measures are not invoked by the state concerned, pro-state and anti-state combatants find they can often ignore internationally accepted rules of war.

Innocent civilians are the principal victims of civil conflict and terrorism. Meanwhile, the activities of human rights organisations are often severely curtailed by state violence, the activities of state-sanctioned or condoned forces, including paramilitaries, and/or the activities of insurgents.

It is recommended that the international community:

1. Urgently develop more effective ways and means to monitor violations of internationally accepted human rights and humanitarian standards;

2. Promote within countries in conflict the development and implementation of internationally acceptable codes of conduct for all combatants which reflect human rights law, the Geneva Conventions and the Protocols to those Conventions;

3. Provide all possible assistance to non-violent movements and organisations active in the prevention of human rights abuses, the protection of victims of abuses, and in holding violent parties to account;

4. Promote the acceptance of the concept of "grave breaches", command responsibility and personal criminal responsibility in all armed conflicts.

III. Self-Determination

The principle of self-determination of peoples is recognised in the Charter of the United Nations and both of the International Covenants on Human Rights. While the principle and right of self-determination was applied throughout the era of post-war decolonisation, there exists no definition beyond the context of decolonisation as to who constitutes a "people" and what the right to self-determination means.

Because these issues are the subject of great controversy with serious consequences for international conflict, there is an urgent need to adopt appropriate substantive standards by which to determine when a given group is a "people" and to determine the content of the right to self-determination in various circumstances, taking into account the different Principles of International Law Concerning Friendly Relations and Co-operation among States (UN General Assembly Resolution 2625 [XXV]).

Secondly, there is a need for international machinery to apply those standards in order to avoid devastating conflicts arising from more or less well-founded claims of self-determination.

While in many instances the protection of individual human rights by states and structures of governance which ensure the participation of minority groups within states have met individual and collective demands for self-determination, in other cases conflict has proven uncontainable.

In this context, international non-governmental organisations should take a lead in the search for peaceful and constructive mechanisms and procedures by which to settle group claims, including claims by minorities and indigenous peoples.

It is recommended that:

1. The United Nations establish a High Commissioner, Working Group or Special Rapporteur to monitor implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

2. Similar action be taken on adoption of the Declaration on the Rights of Indigenous Peoples;

3. The UN explore the establishment of a Commission on Self-Determination equivalent to the Commission on Human Rights, or expanding the mandate of the Trusteeship Council, the Decolonisation Committee, or the Security Council to address the issue of self-determination. In some cases, the Security Council

should consider referring specific situations to the International Court of Justice for an advisory opinion, or, where the parties agree, a judgment;

4. The NGO community explore the establishment of an Independent Commission on Self-Determination mandated to examine the scope and content of the right to self-determination, identify the criteria for determining the legitimacy of claims, recommend specific mechanisms for deciding such claims, propose ways to encourage dialogue in respect to such claims, and suggest effective ways in which the right to self-determination might be exercised or attained in the face of resistance by those with the powers to deny the right.

IV. Preventive Peacebuilding

In the past three years the UN has rapidly emerged as a focus of hope for a new international order based on universally accepted principles of justice, equality, peace, human rights and humanitarian law.

However, given the number and scope of existing violent conflicts and the UN's limited resources and restrictive mandates, the only effective means of mitigating existing conflicts lies in concerted action on the part of governments and the representatives of "we the peoples" of the UN Charter.

The international NGO community of conflict resolution organisations, peace activists, human rights organisations, humanitarian agencies and development organisations contains a world of ideas, skills and resources, which, if appropriately utilised, can be a powerful catalyst in helping develop local capacities to prevent, mitigate or resolve violent conflicts with justice.

In the foreseeable future, it is probable that the UN will have to concentrate on marshalling its peacemaking and peacekeeping efforts in reaction to dozens of actual violent situations. Meanwhile, international NGOs from all regions of the world – working in concert with people, local organisations, governments and intergovernmental organisations – should consider how best to develop an effective global strategy for "preventive peacebuilding" aimed at fostering individual and collective security and the development of civil institutions, mechanisms and political and personal attitudes which discourage violence and make dialogue and accommodation the only acceptable means of settling disputes.

This strategy could address such issues as how to increase grassroots capacities for conflict mediation and resolution, how to improve internal conflict monitoring, the establishment of an NGO Early Warning Information Service, the strengthening of human rights compliance mechanisms and how to bridge the existing gaps between human rights law and humanitarian law.

Therefore, it is recommended that:

1. International NGOs urgently begin exploring how best to develop an effective global peacebuilding strategy and capacity, which best serves the world's peoples and complements the goals and activities of the United Nations.